# EXHIBIT B

# **Facsimile Cover Sheet**

To:

Company:

Phone:

Fax: (972) 315-1955

From: Blend Record Retrieval, Inc. BRR

Company: Blend Record Retrieval, Inc.

Phone:

Fax: 18772558158

Date: 06/28/2022

Pages including this

cover sheet: 89

# Comments:

Cause No. 5:20-CV-0746-JKP-HJB / Please see the attached notice(s) & DWQ(s) along with the waiver/order form.

Thank you,

Blend Litigation Support E: records@blendlit.com

P: (210) 227-9500 F: (877) 255-8158 From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 2 of 89 06/28/2022 9:34 PM To:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 3 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU V. CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

#### WAIVER OF NOTICE PERIOD & COPY ORDER FORM

Originally delivered with Notice of Intention to Take Written Deposition(s) on June 28, 2022.

Blend Document Technologies, LLC has been commissioned by Ricardo G. Cedillo of DAVIS, CEDILLO & MENDOZA, INC. to obtain records on Melody Joy Cantu from the following custodian(s) for use in the above-referenced case.

[ ] I AGREE TO WAIVE THE NOTICE PERIOD (Applies to entire notice, unless otherwise indicated on this sheet)	[ ] I DO NOT WAIVE THE NOTICE PERIOD (Default if no response)
If you would like copies of the records and depositions for an entity(ies) below. Price quotes are available upon request.    John R. Seals, M.D. (Medical records)   John R. Seals, M.D. (Billing records)   Randolph A. Pollock, MA, LPC (Medical records)   Randolph A. Pollock, MA, LPC (Billing records)   Dr. Elizabeth Joann Murphey, PHD (Medical records)   Dr. Elizabeth Joann Murphey, PHD (Billing records)   Dina Trevino, PhD (Medical records)   Dina Trevino, PhD (Medical records)	ey of these, please indicate by checking the box next to the appropriate
] ALL OF THE ABOVE	[ ] NO COPIES (Default if no response)
Contact me for fee approval on any record set over \$	
Please bill invoices for record copies to:	
	<b>T.</b>
Date of signature and return	Responding attorney signature
	Printed name

By ordering copies of records with this form, you acknowledge responsibility for charges assessed for production and delivery. You also acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in Bexar County, Texas. All order cancellations must be submitted in writing. If records have already been copied and fees incurred, billing will be prorated accordingly.

Please return to: Blend Document Technologies, LLC

1015 Central Parkway North, Ste. 100 San Antonio, TX 78232 TEL: (210) 227-9500 | FAX: (877) 255-8158

records@blendlit.com

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 3 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 4 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To Plaintiff(s), by and through their attorneys of record: Rain Levy Minns (MINNS LAW FIRM, P.C.) and Tor Ekeland (TOR EKELAND LAW, PLLC);

To all other parties, by and through their attorneys of record: J. David Apple (APPLE & FINK, LLP)

You will please take notice that on 07/13/2022 at 10:00 a.m., at the offices of the Custodian(s) of records, a deposition by written questions will be taken of the Custodian(s) of records for:

John R. Seals, M.D. (Medical records) located at 4410 Medical Dr., Ste 240, San Antonio, TX 78229 John R. Seals, M.D. (Billing records) located at 4410 Medical Dr., Ste 240, San Antonio, TX 78229 Randolph A. Pollock, MA, LPC (Medical records) located at 11118 Wurzbach Rd, Ste 207, San Antonio, TX 78230 Randolph A. Pollock, MA, LPC (Billing records) located at 11118 Wurzbach Rd, Ste 207, San Antonio, TX 78230 Dr. Elizabeth Joann Murphey, PHD (Medical records) located at 1202 W Bitters Rd, Ste 3, San Antonio, TX 78216 Dr. Elizabeth Joann Murphey, PHD (Billing records) located at 1202 W Bitters Rd, Ste 3, San Antonio, TX 78216 Dina Trevino, PhD (Medical records) located at 7272 Wurzbach Rd #1504, San Antonio, TX 78240 Dina Trevino, PhD (Billing records) located at 7272 Wurzbach Rd #1504, San Antonio, TX 78240

before a Notary Public for

6506

Blend Document Technologies, LLC 1015 Central Parkway North, Ste. 100 San Antonio, TX 78232 Tel: (210) 227-9500 | Fax: (877) 255-8158

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 45, Federal Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce all records, as described on the attached questions and/or exhibit(s), and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to Melody Joy Cantu, and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

(y/ Ricardo G. Cedillo

Ricardo G. Cedillo Bar #04043600 DAVIS, CEDILLO & MENDOZA, INC. 755 E. Mulberry Ave., Ste. 250 San Antonio, TX 78212-3135 Tel.: (210) 822-6666 | Fax: (210) 660-3795

Attorney for Defendant(s), Dr. Sandra Guerra

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all parties listed by hand delivery, e-mail, facsimile, and/or certified mail on this day.

Dated: June 28, 2022 By: /s/ Ricardo G. Cedillo

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 4 of 89 06/28/2022 9:34 PM To:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 5 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT	OFTEXAS
MELODY JOY CANTU AND DR. RODRIGO CANTU ) V. )	Civil Action No. 5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC	
SUBPOENA TO TESTIFY AT A DEPO	OSITION IN A CIVIL ACTION
To:  John R. Seal 4410 Medical E San Antonio, (Name of person to whom the	Dr., Ste 240
deposition to be taken in this civil action. If you are an organization managing agents, or designate other persons who consent to test those set forth in an attachment:  See Attached Direct Questions to be Propounded to the Witness and/or Expressions.	ion, you must designate one or more officers, directors stify on your behalf about the following matters, or
Place: Office of the custodian of records: John R. Seals, M.D., 4410 Medical Dr., Ste 240, San Antonio, TX 78229	Date and Time: 07/13/2022 10:00 AM
The deposition will be recorded by this method: Written	Questions
Production: You, or your representatives, must also bring electronically stored information, or objects, and must permaterial: See Attached Exhibit 'A'	
The following provisions of Fed. R. Civ. P. 45 are attache Rule 45(d), relating to your protection as a person subject to a sub respond to this subpoena and the potential consequences of not do	bpoena; and Rule 45(e) and (g), relating to your duty to
Date: 06/28/2022	
	OR /s/ Ricardo G. Cedillo
Signature of Clerk or Deputy Clerk	Attorney's signature
The name, address, e-mail address, and telephone number of the a Dr. Sandra Guerra	attorney representing (name of party)  Defendant(s) , who issues or requests this subpoena, are:
Ricardo G. Cedillo, DAVIS, CEDILLO & MENDOZA, INC., 755 E. Mul 822-6666	70

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

nl Fax: 18772558158 To: Fax: (972) 315-1955 Page: 5 of 89 06 Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 6 of 90 From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su (date)	bpoena for (name of individual and title, if a	ny)	
☐ I served the su	abpoena by delivering a copy to the nar	med individual as follows:	
		on (date) ; or	
☐ I returned the	subpoena unexecuted because:		4
		States, or one of its officers or agents, I le, and the mileage allowed by law, in the	
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under p	enalty of perjury that this information i	s true.	
e:		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 7 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 8 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Cus Rec Rec	ords pertain to:  Dords requested:  See Attached Exhibit 'A'  John R. Seals, M.D.  Melody Joy Cantu  See Attached Exhibit 'A'				
1.	Please state your full name, official title and business address.				
	Answer:				
2. Please state whether John R. Seals, M.D. has provided healthcare services and/or treatment to Melody Joy Cantu.					
	Answer:				
3. Please state whether <b>John R. Seals, M.D.</b> has ever made or caused to be made any notes, records and/or reports per <b>Melody Joy Cantu</b> .					
	Answer:				
4.	Are documents such as those described above under your supervision, direction, custody and/or control?				
	Answer:				
5.	Have you received a subpoena for the production of the above described documents?				
	Answer:				
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded these entries?	by			
Answer:					
7.	Were these documents made (or caused to be made) during the regular course of business activity?				
	Answer:				
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?				
	Answer:				
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?				
	Answer:				
10.	Were the records kept and maintained in a trustworthy manner?				
	Answer:				
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. He you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.	lave			
	Answer:				

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 9 of 90

12. Are the documents you have provided in response to the subpoena the originals, or true and correct copies thereof?

Answer:

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

NOTARY PUBLIC

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 9 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 10 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 10 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 11 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

T OF TEXAS	
Civil Action No. 5:20-C	CV-0746-JKP-HJB
OSITION IN A CIVIL AC	CTION
Dr., Ste 240 TX 78229	
his subpoena is directed)	
tion, you must designate or estify on your behalf about	ne or more officers, directors,
Date and Time:	
07/13/2	022 10:00 AM
n Questions	
	on the following documents, testing, or sampling of the
ibpoena; and Rule 45(e) an	o the place of compliance; ad (g), relating to your duty to
OR	
	Ricardo G. Cedillo
A	Attorney's signature
• •	* * * * * * * * * * * * * * * * * * * *
, who issues or re	equests this subpoena, are:
	DSITION IN A CIVIL AC als, M.D. Dr., Ste 240 TX 78229 his subpoena is directed) ne time, date, and place set ation, you must designate or estify on your behalf about Exhibit 'A'  Date and Time:  07/13/2 n Questions  ng with you to the depositi ermit inspection, copying,  ned — Rule 45(c), relating to abpoena; and Rule 45(e) and doing so.  OR  /s/

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 11 of 89 06/ Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 12 of 90 From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)	*					
☐ I served the su	☐ I served the subpoena by delivering a copy to the named individual as follows:					
		on (date)	; or			
☐ I returned the	subpoena unexecuted because:					
tendered to the w	ena was issued on behalf of the United		1979. 45			
\$	•					
y fees are \$	for travel and \$	for services, for	or a total of \$	0		
2000000 40 000 10 44 01 000 0000 4000 40	enalty of perjury that this information i	s true.				
te:		Server's signa	ture			
		Printed name an	nd title			
		Server's addr	ess			

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
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- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 13 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 14 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

\$ \$ CIVIL ACTION NO. **5**;**20-CV-0746-JKP-HJB** 

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	stodian of records for: cords pertain to: cords requested:	Melody Joy Cantu				
1.	Please state your full	name.				
	Answer:					
2.	Please state by whom	you are employed and the business address.				
	Answer:					
3.	What is the title of yo	ur position or job?				
	Answer:	Answer:				
4.	Are the documents de	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?				
	Answer:					
5.	Are you able to identify these documents as originals, or as true copies thereof?					
	Answer:	Answer:				
6.	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.					
	Answer:					
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?					
	Answer:					
8.	Were such documents kept in the regular course of business of this facility?					
	Answer:					
9.	Was it in the regular opinion, or diagnoses	Was it in the regular course of business of <b>John R. Seals, M.D.</b> for a person with knowledge of the acts, events, conditions opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?				
	Answer:					
10.	Were the entries on th	nese documents made at the time of the transaction recorded, or shortly thereafter?				
	Answer:					

6506.002 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 14 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 15 of 90

11. Please fill in the following blanks with the requested information concerning services rendered to Melody Joy Cantu for the

period of 01/01/2014 to present: A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED: B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE: C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID: D. TOTAL AMOUNT PAID BY Melody Joy Cantu OR THEIR REPRESENTATIVES: Answer: E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF: Answer: F. TOTAL AMOUNT STILL OWED, AND BY WHOM: WITNESS (Custodian of Records) Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records. SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. NOTARY PUBLIC My commission expires: From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 15 of 89 06/28/2022 9:34 PM To:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 16 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 **EXHIBIT B** 

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 16 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 17 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU DR. RODRIGO CANTU	AND )		
v.	)	Civil Action No. 5:20-CV-0746-JK	Р-НЈВ
DR. SANDRA GUERRA DIGITAL FORENSICS C	92.50.40.00.00.00.00.00.00.00.00.00.00.00.00		
s	SUBPOENA TO TESTIFY AT A DEPO	SITION IN A CIVIL ACTION	
То:	Randolph A. Pollo 11118 Wurzbach San Antonio, 7 (Name of person to whom thi	Rd, Ste 207	
	(Name of person to whom thi	s subpoena is directed)	
deposition to be taken is or managing agents, or those set forth in an atta	DU ARE COMMANDED to appear at the n this civil action. If you are an organizati designate other persons who consent to test achment: ons to be Propounded to the Witness and/or Extended to the Witness and Witness	on, you must designate one or more stify on your behalf about the follow	officers, directors,
	todian of records: Randolph A. Pollock, MA, zbach Rd, Ste 207, San Antonio, TX 78230	Date and Time: 07/13/2022 10:00	AM
The deposition	will be recorded by this method: Written	Questions	
electronically s	ou, or your representatives, must also bring tored information, or objects, and must per ttached Exhibit 'A'		
Rule 45(d), relating to y	provisions of Fed. R. Civ. P. 45 are attache your protection as a person subject to a sub a and the potential consequences of not do	poena; and Rule 45(e) and (g), relat	
Date: 06/28/2022			
	CLERK OF COURT		
		OR /s/ Ricardo G.	Cedillo
	Signature of Clerk or Deputy Clerk	Attorney's sig	nature
The name, address, e-m Dr. Sandra Guerra	nail address, and telephone number of the a	ttorney representing (name of party) , who issues or requests this	Defendant(s)
Ricardo G. Cedillo, DAVIS 322-6666	, CEDILLO & MENDOZA, INC., 755 E. Mull		3100
	NT - 11 - 2 - 11 - 11 - 11 - 1		

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 17 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 18 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su (date)	bpoena for (name of individual and title, if a	ny)	
☐ I served the su	abpoena by delivering a copy to the nar	med individual as follows:	
		on (date) ; or	
☐ I returned the	subpoena unexecuted because:		4
		States, or one of its officers or agents, I le, and the mileage allowed by law, in the	
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under p	enalty of perjury that this information i	s true.	
e:		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

# Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

# (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 19 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 20 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	stodian of records for: cords pertain to: cords requested:  Randolph A. Pollock, MA, LPC Melody Joy Cantu See Attached Exhibit 'A'				
1.	Please state your full name, official title and business address.				
	Answer:				
2.	Please state whether Randolph A. Pollock, MA, LPC has provided healthcare services and/or treatment to Melody Joy Cantu.				
	Answer:				
3. Please state whether Randolph A. Pollock, MA, LPC has ever made or caused to be made any notes, records and/or pertaining to Melody Joy Cantu.					
	Answer:				
4.	Are documents such as those described above under your supervision, direction, custody and/or control?				
	Answer:				
5.	Have you received a subpoena for the production of the above described documents?				
Answer:					
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?				
Answer:					
7.	Were these documents made (or caused to be made) during the regular course of business activity?				
	Answer:				
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?				
	Answer:				
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?				
	Answer:				
10.	Were the records kept and maintained in a trustworthy manner?				
	Answer:				
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.				
	Answer:				

6506.003

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 20 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 21 of 90

12. Are the documents you have provided in response to the si	ubpoena the originals, or true and corre	ect copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day persknown to me to be the person whose name is subscribed to the sworn, stated upon his/her oath that the answers to the foregoin attached hereto are exact duplicates of the original records.	foregoing instrument in the capacity th	erein stated, who being first duly her certify that the records
SWORN TO AND SUBSCRIBED before me this	day of	, 20
	NOTA INI DI INI	
	NOTARY PUBLIC	
	My Commission Expires:	

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 21 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 22 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 **EXHIBIT B**  From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 22 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 23 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU DR. RODRIGO CANTU V.	No. of the control of	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA DIGITAL FORENSICS (	3000 300 300 300 300 300 300 300 300 30		
;	SUBPOENA TO TESTIFY AT A DEPO	SITION IN A CIV	IL ACTION
То:	Randolph A. Pollo 11118 Wurzbach San Antonio, 7 (Name of person to whom thi	Rd, Ste 207	
deposition to be taken or managing agents, or those set forth in an att	OU ARE COMMANDED to appear at the in this civil action. If you are an organization designate other persons who consent to test achiment: ions to be Propounded to the Witness and/or Extended to the Witness and Witne	on, you must desig tify on your behalf	mate one or more officers, directors,
	stodian of records: Randolph A. Pollock, MA, rzbach Rd, Ste 207, San Antonio, TX 78230	Date and Time:	7/13/2022 10:00 AM
The deposition	will be recorded by this method: Written	Questions	
electronically:	ou, or your representatives, must also bring stored information, or objects, and must per attached Exhibit 'A'	g with you to the domit inspection, cop	eposition the following documents, bying, testing, or sampling of the
Rule 45(d), relating to	provisions of Fed. R. Civ. P. 45 are attache your protection as a person subject to a sub na and the potential consequences of not do	poena; and Rule 4:	
Date: 06/28/2022	CLERK OF COURT		
		OR	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-n	nail address, and telephone number of the a	T KEY,	
CONTRACTOR CONTRACTOR CONTRACTOR	S, CEDILLO & MENDOZA, INC., 755 E. Muli		es or requests this subpoena, are: San Antonio, TX 78212-3135 (210)

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 23 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 24 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)	opoena for (name of individual and title, if ar	<u></u>	
☐ I served the su	bpoena by delivering a copy to the nar	ned individual as follows:	
		on (date) ; or	
☐ I returned the s	subpoena unexecuted because:		
27		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$			
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under pe	enalty of perjury that this information i	s true.	
te:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees-on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises-or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court-may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 25 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 26 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

CIVIL ACTION NO. 5;20-CV-0746-JKP-HJB

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

	stodian of records for: cords pertain to: cords requested:  Randolph A. Pollock, MA, LPC Melody Joy Cantu See Attached Exhibit 'A'
1.	Please state your full name.
	Answer:
2.	Please state by whom you are employed and the business address.
	Answer:
3.	What is the title of your position or job?
	Answer:
4.	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?
	Answer:
5.	Are you able to identify these documents as originals, or as true copies thereof?
	Answer:
6.	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.
	Answer:
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?
	Answer:
8.	Were such documents kept in the regular course of business of this facility?
	Answer:
9.	Was it in the regular course of business of Randolph A. Pollock, MA, LPC for a person with knowledge of the acts, events, conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?
	Answer:
10.	Were the entries on these documents made at the time of the transaction recorded, or shortly thereafter?
	Answer:

6506.004 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 26 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 27 of 90

11. Please fill in the following blanks with the requested information concerning services rendered to Melody Joy Cantu for the period of 01/01/2014 to present: A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED: B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE: C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID: D. TOTAL AMOUNT PAID BY Melody Joy Cantu OR THEIR REPRESENTATIVES: Answer: E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF: Answer: F. TOTAL AMOUNT STILL OWED, AND BY WHOM: WITNESS (Custodian of Records) Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records. SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. NOTARY PUBLIC My commission expires: From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 27 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 28 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 28 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 29 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF TEXAS

		WESTERN DIS	INICI	OI ILAAS		
	Y JOY CANTU A DRIGO CANTU	ND	)			
V.			)	Civil Action No.	5:20-CV-0746-JKF	-НЈВ
	IDRA GUERRA A L FORENSICS CO	AND PRPORATION, LLC	) ) )			
	su	JBPOENA TO TESTIFY AT A I	DEPOS	SITION IN A CI	VIL ACTION	
To:		1202 W	Bitters	Murphey, PHD Rd, Ste 3		
<del></del>		San An (Name of person to w	vhom thi	x 18210 subpoena is directed	")	
or mana those se	on to be taken in ging agents, or d t forth in an attac	U ARE COMMANDED to appear this civil action. If you are an org esignate other persons who consent thment: and to be Propounded to the Witness and	anization tes	on, you must designify on your behal	gnate one or more	officers, directors,
Place:	Office of the custo	dian of records: Dr. Elizabeth Joann		Date and Time:		
	Murphey, PHD, 12 78216	202 W Bitters Rd, Ste 3, San Antonio,	TX	(	)7/13/2022 10:00 A	·M
	The deposition w	vill be recorded by this method:	Vritten (	Questions		
	electronically sto material: See Att		ust per	mit inspection, co	pying, testing, or s	ampling of the
Rule 45	(d), relating to yo	our protection as a person subject to and the potential consequences of	o a sub	poena; and Rule 4		
Date:	06/28/2022					
		CLERK OF COURT		0.408.0000		
				OR	/s/ Ricardo G. C	Cedillo
		Signature of Clerk or Deputy Cle	erk		Attorney's sign	
	ne, address, e-ma Ira Guerra	il address, and telephone number o	of the a	18 NEW	ng (name of party) es or requests this	Defendant(s)
Ricardo G. 322-6666	Cedillo, DAVIS,	CEDILLO & MENDOZA, INC., 755	E. Mult			

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 29 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 30 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)	opoena for (name of individual and title, if ar	<u></u>	
☐ I served the su	bpoena by delivering a copy to the nar	ned individual as follows:	
		on (date) ; or	
☐ I returned the s	subpoena unexecuted because:		
27		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$			
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under pe	enalty of perjury that this information i	s true.	
te:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 31 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 32 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Cus Rec Rec	stodian of records for:  Dr. Elizabeth Joann Murphey, PHD  cords pertain to:  Melody Joy Cantu  cords requested:  See Attached Exhibit 'A'
1.	Please state your full name, official title and business address.
	Answer:
2.	Please state whether Dr. Elizabeth Joann Murphey, PHD has provided healthcare services and/or treatment to Melody Joy Cantu.
	Answer:
3.	Please state whether <b>Dr. Elizabeth Joann Murphey</b> , <b>PHD</b> has ever made or caused to be made any notes, records and/or reports pertaining to <b>Melody Joy Cantu</b> .
	Answer:
4.	Are documents such as those described above under your supervision, direction, custody and/or control?
	Answer:
5.	Have you received a subpoena for the production of the above described documents?
	Answer:
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?
	Answer:
7.	Were these documents made (or caused to be made) during the regular course of business activity?
	Answer:
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?
	Answer:
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?
	Answer:
10.	Were the records kept and maintained in a trustworthy manner?
	Answer:
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.
	Answer:

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 32 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 33 of 90

12. Are the documents you have provided in response to the s	subpoena the originals, or true and corre	ect copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day per known to me to be the person whose name is subscribed to the sworn, stated upon his/her oath that the answers to the foregoin attached hereto are exact duplicates of the original records.	foregoing instrument in the capacity th	erein stated, who being first duly her certify that the records
SWORN TO AND SUBSCRIBED before me this	day of	, 20
	NOTARY PUBLIC	
	My Commission Expires:	

6506.005

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 33 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 34 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. RODRIGO CALVIE

DR, SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 34 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 35 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF TEXAS

		WESTERN DIS	INICI	OI ILAAS		
	Y JOY CANTU A DRIGO CANTU	ND	)			
V.			)	Civil Action No.	5:20-CV-0746-JKF	-НЈВ
	IDRA GUERRA A L FORENSICS CO	AND PRPORATION, LLC	) ) )			
	su	JBPOENA TO TESTIFY AT A I	DEPOS	SITION IN A CI	VIL ACTION	
To:		1202 W	Bitters	Murphey, PHD Rd, Ste 3		
<del></del>		San An (Name of person to w	vhom thi	x 18210 subpoena is directed	")	
or mana those se	on to be taken in ging agents, or d t forth in an attac	U ARE COMMANDED to appear this civil action. If you are an org esignate other persons who consent thment: and to be Propounded to the Witness and	anization tes	on, you must designify on your behal	gnate one or more	officers, directors,
Place:	Office of the custo	dian of records: Dr. Elizabeth Joann		Date and Time:		
	Murphey, PHD, 12 78216	202 W Bitters Rd, Ste 3, San Antonio,	TX	(	)7/13/2022 10:00 A	·M
	The deposition w	vill be recorded by this method:	Vritten (	Questions		
	electronically sto material: See Att		ust per	mit inspection, co	pying, testing, or s	ampling of the
Rule 45	(d), relating to yo	our protection as a person subject to and the potential consequences of	o a sub	poena; and Rule 4		
Date:	06/28/2022					
		CLERK OF COURT		0.408.0000		
				OR	/s/ Ricardo G. C	Cedillo
		Signature of Clerk or Deputy Cle	erk		Attorney's sign	
	ne, address, e-ma Ira Guerra	il address, and telephone number o	of the a	18 NEW	ng (name of party) es or requests this	Defendant(s)
Ricardo G. 322-6666	Cedillo, DAVIS,	CEDILLO & MENDOZA, INC., 755	E. Mult			

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 35 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 36 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

1 (date)	*						
☐ I served the s	☐ I served the subpoena by delivering a copy to the named individual as follows:						
		on (date)	; or				
☐ I returned the	subpoena unexecuted because:						
tendered to the w	oena was issued on behalf of the United witness the fees for one day's attendance		1677. 15				
\$	•						
y fees are \$	for travel and \$	for services, fe	or a total of \$	0			
SACTION SECTION SERVICES SECTION SECTI	penalty of perjury that this information i	is true.					
te:		Server's signa	ture				
		Printed name ar	nd title				

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 37 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 38 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

\$ \$ CIVIL ACTION NO. **5:20-CV-0746-JKP-HJB** \$

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	odian of records for:  Dr. Elizabeth Joann Murphey, PHD  ords pertain to:  Melody Joy Cantu  See Attached Exhibit 'A'		
1.	Please state your full name.		
	Answer:		
2.	Please state by whom you are employed and the business address.		
	Answer:		
3.	What is the title of your position or job?		
	Answer:		
4.	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?		
	Answer:		
5.	Are you able to identify these documents as originals, or as true copies thereof?		
	Answer:		
6.	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.		
	Answer:		
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?		
	Answer:		
8.	Were such documents kept in the regular course of business of this facility?		
	Answer:		
9.	Was it in the regular course of business of <b>Dr. Elizabeth Joann Murphey</b> , <b>PHD</b> for a person with knowledge of the acts, events conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?		
	Answer:		
10.	Were the entries on these documents made at the time of the transaction recorded, or shortly thereafter?		
	Answer:		

6506.006 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 38 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 39 of 90

11. Please fill in the following blanks with the requested information concerning services rendered to Melody Joy Cantu for the period of 01/01/2014 to present: A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED: B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE: C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID: D. TOTAL AMOUNT PAID BY Melody Joy Cantu OR THEIR REPRESENTATIVES: Answer: E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF: Answer: F. TOTAL AMOUNT STILL OWED, AND BY WHOM: WITNESS (Custodian of Records) Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records. SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. NOTARY PUBLIC My commission expires:

6506.006 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 39 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 40 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU V. DR. SANDRA GUERRA AND

DIGITAL FORENSICS CORPORATION, LLC

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 EXHIBIT B

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 40 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 41 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRIC	OF TEXAS	
MELODY JOY CANTU DR. RODRIGO CANTU	AND )		
V.	Ś	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA DIGITAL FORENSICS C	2000-2000-000-000-000-00-00-00-00-00-00-		
s	SUBPOENA TO TESTIFY AT A DEPO	SITION IN A CI	VIL ACTION
То:	Dina Trevi 7272 Wurzbac San Antonio, (Name of person to whom the	h Rd #1504	л.
deposition to be taken is or managing agents, or those set forth in an atta	DU ARE COMMANDED to appear at the nothing civil action. If you are an organizate designate other persons who consent to teachment: one to be Propounded to the Witness and/or Expression of the Propounded to the Witness and Propounded to the Witness a	tion, you must designate stify on your behalf	gnate one or more officers, directors,
Place: Office of the cust	odian of records: Dina Trevino, PhD, 7272	Date and Time:	
Wurzbach Rd #1:	504, San Antonio, TX 78240		07/13/2022 10:00 AM
The deposition	will be recorded by this method: Writter	Questions	
electronically s	ou, or your representatives, must also brir tored information, or objects, and must pe ttached Exhibit 'A'		
Rule 45(d), relating to y	provisions of Fed. R. Civ. P. 45 are attach your protection as a person subject to a su a and the potential consequences of not d	bpoena; and Rule 4	
Date: 06/28/2022			
	CLERK OF COURT	OR	
		OK	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-m Dr. Sandra Guerra	ail address, and telephone number of the	T 157	ng (name of party)  Defendant(s)  les or requests this subpoena, are:
	, CEDILLO & MENDOZA, INC., 755 E. Mu		
322-6666		······	

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 41 of 89 06/ Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 42 of 90 From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)	*			
☐ I served the subpoena by delivering a copy to the named individual as follows:				
		on (date)	; or	
☐ I returned the	subpoena unexecuted because:			
tendered to the w	ena was issued on behalf of the United		1979. 45	
\$	•			
y fees are \$	for travel and \$	for services, for	or a total of \$	0
2000000 40 000 10 44 01 000 0000 4000 40	enalty of perjury that this information i	s true.		
te:		Server's signa	ture	
		Printed name an	nd title	
		Server's addr	ess	

Additional information regarding attempted service, etc.:

Page: 42 of 89 06/28/2022 9:34 PM

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 43 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 44 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	stodian of records for: cords pertain to: cords requested:  See Attached Exhibit 'A'  Dina Trevino, PhD Melody Joy Cantu See Attached Exhibit 'A'
1.	Please state your full name, official title and business address.
	Answer:
2.	Please state whether Dina Trevino, PhD has provided healthcare services and/or treatment to Melody Joy Cantu.
	Answer:
3.	Please state whether <b>Dina Trevino</b> , <b>PhD</b> has ever made or caused to be made any notes, records and/or reports pertaining to <b>Melody Joy Cantu</b> .
	Answer:
4.	Are documents such as those described above under your supervision, direction, custody and/or control?
	Answer:
5.	Have you received a subpoena for the production of the above described documents?
	Answer:
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?
	Answer:
7.	Were these documents made (or caused to be made) during the regular course of business activity?
	Answer:
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?
	Answer:
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?
	Answer:
10.	Were the records kept and maintained in a trustworthy manner?
	Answer:
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.
	Answer:

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 44 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 45 of 90

12. Are the documents you have provided in response to the si	ubpoena the originals, or true and corre	ect copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day persknown to me to be the person whose name is subscribed to the sworn, stated upon his/her oath that the answers to the foregoin attached hereto are exact duplicates of the original records.	foregoing instrument in the capacity th	erein stated, who being first duly her certify that the records
SWORN TO AND SUBSCRIBED before me this	day of	, 20
	NOTA INI DI INI	
	NOTARY PUBLIC	
	My Commission Expires:	

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 45 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 46 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 **EXHIBIT B** 

Fax: (972) 315-1955 Page: 46 of 89 From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 47 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU A DR. RODRIGO CANTU	ND )	Civil Action No.	5:20-CV-0746-JKP-HJB
V.  DR. SANDRA GUERRA A DIGITAL FORENSICS CO	50300000000000000000000000000000000000	CIVII ACUOII NO.	3.20-C \-0/40-3KI-1I3B
S	UBPOENA TO TESTIFY AT A DEPO	SITION IN A CIV	VIL ACTION
То:	Dina Trevin 7272 Wurzbach San Antonio, ' (Name of person to whom the	n Rd #1504 TX 78240	
deposition to be taken in or managing agents, or of those set forth in an attac	U ARE COMMANDED to appear at the this civil action. If you are an organization designate other persons who consent to teachment:  ons to be Propounded to the Witness and/or Expenses.	ion, you must desig stify on your behalf	nate one or more officers, directors,
	odian of records: Dina Trevino, PhD, 7272 04, San Antonio, TX 78240	Date and Time:	7/13/2022 10:00 AM
The deposition v	will be recorded by this method: Written	Questions	
Production: You electronically stematerial: See Att	ou, or your representatives, must also bring ored information, or objects, and must per tached Exhibit 'A'	g with you to the dormit inspection, cor	eposition the following documents, bying, testing, or sampling of the
Rule 45(d), relating to y	rovisions of Fed. R. Civ. P. 45 are attache our protection as a person subject to a sub a and the potential consequences of not do	ppoena; and Rule 45	
Date: 06/28/2022	CLERK OF COURT	OB	
		OR	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-ma	ail address, and telephone number of the a		<u> </u>
CANTE COLORES (AND TAKE OF A STANDARD OF A S	CEDILLO & MENDOZA, INC., 755 E. Mul		es or requests this subpoena, are: San Antonio, TX 78212-3135 (210)

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 47 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 48 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	I received this subpoena for (name of individual and title, if any)				
☐ I served the su	☐ I served the subpoena by delivering a copy to the named individual as follows:				
		on (date) ; or			
☐ I returned the s	subpoena unexecuted because:				
27	Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of				
\$	•				
fees are \$	for travel and \$	for services, for a total of \$	0		
I declare under pe	nalty of perjury that this information i	s true.			
te:		Server's signature			
		Printed name and title			
		Server's address			

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 49 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 50 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

§ CIVIL ACTION NO. 5;20-CV-0746-JKP-HJB

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	ords pertain to:  Melody Joy Cantu  ords requested:  See Attached Exhibit 'A'
1.	Please state your full name.
	Answer:
2.	Please state by whom you are employed and the business address.
	Answer:
3.	What is the title of your position or job?
	Answer:
4.	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?
	Answer:
5.	Are you able to identify these documents as originals, or as true copies thereof?
	Answer:
<ol><li>Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this de you complied? If not, please give the reasons for any omissions.</li></ol>	
	Answer:
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?
	Answer:
8.	Were such documents kept in the regular course of business of this facility?
	Answer:
9.	Was it in the regular course of business of <b>Dina Trevino</b> , <b>PhD</b> for a person with knowledge of the acts, events, conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?
	Answer:
10.	Were the entries on these documents made at the time of the transaction recorded, or shortly thereafter?
	Answer:

6506.008 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 50 of 89 06/ Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 51 of 90

11.	Please fill in the following blanks with the requested information concerning services rendered to <b>Melody Joy Cantu</b> for the period of 01/01/2014 to present:				
	A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED:				
	Answer:				
	B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE:				
	Answer:				
	C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID:				
	Answer:				
	D. TOTAL AMOUNT PAID BY Melody Joy Cantu OR THEIR REPRESENTATIVES:				
	Answer:				
	E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF:				
	Answer:				
	F. TOTAL AMOUNT STILL OWED, AND BY WHOM:				
	Answer:				
	WITNESS (Custodian of Records)				
swo	Before me, the undersigned authority, on this day personally appeared, we to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly rn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records ched hereto are exact duplicates of the original records.				
	SWORN TO AND SUBSCRIBED before me this day of, 20				
	NOTARY PUBLIC				
	My commission expires:				

6506.008 **EXHIBIT B**  From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 51 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 52 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DE SANDRA CHERRA AND

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Melody Joy Cantu; DOB: 01/20/1976; SSN: XXX-XX-X931.

6506 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 52 of 89 06/28/2022 9:34 PM To:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 53 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU	\$	
V.	9004	CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC	nww	

### WAIVER OF NOTICE PERIOD & COPY ORDER FORM

Originally delivered with Notice of Intention to Take Written Deposition(s) on June 28, 2022.

Blend Document Technologies, LLC has been commissioned by Ricardo G. Cedillo of DAVIS, CEDILLO & MENDOZA, INC. to obtain records on Rodrigo Cantu from the following custodian(s) for use in the above-referenced case.

[ ] I AGREE TO WAIVE THE NOTICE PERIOD (Applies to entire notice, unless otherwise indicated on this sheet)	[ ] I DO NOT WAIVE THE NOTICE PERIOD (Default if no response)
If you would like copies of the records and depositions for an entity(ies) below. Price quotes are available upon request.  Stephen L. Cervantes, LPC (Medical records)  Stephen L. Cervantes, LPC (Billing records)  Dr. Elizabeth Joann Murphey, PHD (Medical records)  Dr. Elizabeth Joann Murphey, PHD (Billing records)  Dina Trevino, PhD (Medical records)  Dina Trevino, PhD (Medical records)	ry of these, please indicate by checking the box next to the appropriate
] ALL OF THE ABOVE	NO COPIES (Default if no response)
[ ] Contact me for fee approval on any record set over S	before sending copies.
Please bill invoices for record copies to:	
Date of signature and return	Responding attorney signature
	Printed name

By ordering copies of records with this form, you acknowledge responsibility for charges assessed for production and delivery. You also acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in Bexar County, Texas. All order cancellations must be submitted in writing. If records have already been copied and fees incurred, billing will be prorated accordingly.

Please return to: Blend Document Technologies, LLC

1015 Central Parkway North, Ste. 100 San Antonio, TX 78232 TEL: (210) 227-9500 | FAX: (877) 255-8158 records@blendlit.com

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 53 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 54 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V

8

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

#### NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To Plaintiff(s), by and through their attorneys of record: Rain Levy Minns (MINNS LAW FIRM, P.C.) and Tor Ekeland (TOR EKELAND LAW, PLLC);

To all other parties, by and through their attorneys of record: J. David Apple (APPLE & FINK, LLP)

You will please take notice that on 07/13/2022 at 10:00 a.m., at the offices of the Custodian(s) of records, a deposition by written questions will be taken of the Custodian(s) of records for:

Stephen L. Cervantes, LPC (Medical records) located at 325 Sonterra, Ste 230, San Antonio, TX 78258 Stephen L. Cervantes, LPC (Billing records) located at 325 Sonterra, Ste 230, San Antonio, TX 78258 Dr. Elizabeth Joann Murphey, PHD (Medical records) located at 1202 W Bitters Rd, Ste 3, San Antonio, TX 78216 Dr. Elizabeth Joann Murphey, PHD (Billing records) located at 1202 W Bitters Rd, Ste 3, San Antonio, TX 78216 Dina Trevino, PhD (Medical records) located at 7272 Wurzbach Rd #1504, San Antonio, TX 78240 Dina Trevino, PhD (Billing records) located at 7272 Wurzbach Rd #1504, San Antonio, TX 78240

before a Notary Public for

Blend Document Technologies, LLC 1015 Central Parkway North, Ste. 100 San Antonio, TX 78232 Tel: (210) 227-9500 | Fax: (877) 255-8158

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 45, Federal Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce all records, as described on the attached questions and/or exhibit(s), and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to **Rodrigo Cantu**, and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

18/ Ricardo G. Cedillo

Ricardo G. Cedillo
Bar #04043600
DAVIS, CEDILLO & MENDOZA, INC.
755 E. Mulberry Ave., Ste. 250
San Antonio, TX 78212-3135
Tel.: (210) 822-6666 | Fax: (210) 660-3795
Attorney for Defendant(s), Dr. Sandra Guerra

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all parties listed by hand delivery, e-mail, facsimile, and/or certified mail on this day.

Dated: June 28, 2022 By: /y/ Ricardo G. Cedillo

6507

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 54 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 55 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT	OF TEXAS
MELODY JOY CANTU AND DR. RODRIGO CANTU )	0: 13 A 17 A 27 E 20 CW 0746 HZD LUD
V. )	Civil Action No. 5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC	
SUBPOENA TO TESTIFY AT A DEPOS	SITION IN A CIVIL ACTION
To: Stephen L. Cerva 325 Sonterra,	
San Antonio, T (Name of person to whom this	
Testimony: YOU ARE COMMANDED to appear at the deposition to be taken in this civil action. If you are an organization or managing agents, or designate other persons who consent to test those set forth in an attachment:  See Attached Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and/or Extended Direct Questions to be Propounded to the Witness and Propounded Direct Questions to be Propounded to the Witness and Propounded Direct Questions to be Prop	on, you must designate one or more officers, directors, ify on your behalf about the following matters, or
Place: Office of the custodian of records: Stephen L. Cervantes, LPC, 325 Sonterra, Ste 230, San Antonio, TX 78258	Date and Time: 07/13/2022 10:00 AM
The deposition will be recorded by this method: Written C	Questions
Production: You, or your representatives, must also bring electronically stored information, or objects, and must permaterial: See Attached Exhibit 'A'  The following provisions of Fed. R. Civ. P. 45 are attached	mit inspection, copying, testing, or sampling of the
Rule 45(d), relating to your protection as a person subject to a subprespond to this subpoena and the potential consequences of not do	poena; and Rule 45(e) and (g), relating to your duty to
Date: 06/28/2022	
CLERK OF COURT	OR
Signature of Clerk or Deputy Clerk	/s/ Ricardo G. Cedillo  Attorney's signature
The name, address, e-mail address, and telephone number of the at Dr. Sandra Guerra	
Ricardo G. Cedillo, DAVIS, CEDILLO & MENDOZA, INC., 755 E. Mulb	, who issues or requests this subpoena, are: erry Ave., Ste. 250, San Antonio, TX 78212-3135 (210)

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 55 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 56 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

1 (date)	*					
☐ I served the s	☐ I served the subpoena by delivering a copy to the named individual as follows:					
		on (date)	; or			
☐ I returned the	subpoena unexecuted because:					
tendered to the w	oena was issued on behalf of the United witness the fees for one day's attendance		1677. 15			
\$	•					
y fees are \$	for travel and \$	for services, fe	or a total of \$	0		
SACTION SECTION SERVICES SECTION SECTI	penalty of perjury that this information	is true.				
te:		Server's signa	ture			
		Printed name ar	nd title			

Additional information regarding attempted service, etc.:

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 57 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 58 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Cus Rec Rec	stodian of records for: Stephen L. Cervantes, LPC cords pertain to: Rodrigo Cantu cords requested: See Attached Exhibit 'A'				
1.	Please state your full name, official title and business address.				
	Answer:				
2.	Please state whether Stephen L. Cervantes, LPC has provided healthcare services and/or treatment to Rodrigo Cantu.				
Answer:					
3.	Please state whether <b>Stephen L. Cervantes</b> , <b>LPC</b> has ever made or caused to be made any notes, records and/or reports pertaining to <b>Rodrigo Cantu</b> .				
	Answer:				
4.	Are documents such as those described above under your supervision, direction, custody and/or control?				
	Answer:				
5.	Have you received a subpoena for the production of the above described documents?				
	iswer:				
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?				
	Answer:				
7.	Were these documents made (or caused to be made) during the regular course of business activity?				
	Answer:				
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?				
	Answer:				
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?				
	nswer:				
10.	Were the records kept and maintained in a trustworthy manner?				
	Answer:				
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.				
	Answer:				

From: Blend Record Retrieval Fax: 18772558158 To: ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 58 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 59 of 90

12. Are the documents you have provided in response to the	subpoena the originals, or true and correc	et copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day pe known to me to be the person whose name is subscribed to th sworn, stated upon his/her oath that the answers to the forego attached hereto are exact duplicates of the original records.	e foregoing instrument in the capacity the	erein stated, who being first duly er certify that the records
SWORN TO AND SUBSCRIBED before me this	day of	, 20
	NOTARY PUBLIC	
	My Commission Expires:	

6507.001

From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 59 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 60 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Rodrigo Cantu; DOB: 08/27/1972.

6507 **EXHIBIT B** 

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 60 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 61 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU DR. RODRIGO CANTU	AND )		
V.	j	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA DIGITAL FORENSICS C	42 30 40 30 50 50 50 50 50 50 50 50 50 50 50 50 50		
s	SUBPOENA TO TESTIFY AT A DEPO	SITION IN A CI	VIL ACTION
То:	Stephen L. Cerv 325 Sonterra San Antonio, (Name of person to whom th	, Ste 230	
deposition to be taken i or managing agents, or those set forth in an atta	DU ARE COMMANDED to appear at the n this civil action. If you are an organizat designate other persons who consent to teachment: ons to be Propounded to the Witness and/or Expression of the Propounded to the Witness and Pr	ion, you must desi stify on your beha	gnate one or more officers, directors,
Place: Office of the cust	todian of records: Stephen L. Cervantes, LPC,	Date and Time:	
	230, San Antonio, TX 78258		07/13/2022 10:00 AM
The deposition	will be recorded by this method: Written	Questions	
electronically s	ou, or your representatives, must also brin tored information, or objects, and must pe ttached Exhibit 'A'	g with you to the commit inspection, co	deposition the following documents, opying, testing, or sampling of the
Rule 45(d), relating to y	provisions of Fed. R. Civ. P. 45 are attacher your protection as a person subject to a sul a and the potential consequences of not de	poena; and Rule	
Date: 06/28/2022			
	CLERK OF COURT	0.408.0080	
		OR	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-m Dr. Sandra Guerra	nail address, and telephone number of the	T 187	ng (name of party) Defendant(s) nes or requests this subpoena, are:
Ricardo G. Cedillo, DAVIS	, CEDILLO & MENDOZA, INC., 755 E. Mul		
822-6666			

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 61 of 89 06/ Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 62 of 90 From: Blend Record Retrieval Fax: 18772558158 06/28/2022 9:34 PM

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	bpoena for (name of individual and title, if a				
☐ I served the subpoena by delivering a copy to the named individual as follows:					
		on (date)	; or		
☐ I returned the	subpoena unexecuted because:				
tendered to the w	ena was issued on behalf of the United itness the fees for one day's attendance		1873		
\$					
fees are \$	for travel and \$	for services, fe	or a total of \$	0	
I declare under pote:	enalty of perjury that this information i	s true.			
		Server's signa	tture		
		Printed name an	nd title		
		Server's addr	ess		

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 63 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 64 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	stodian of records for: cords pertain to: cords requested:	Stephen L. Cervantes, LPC Rodrigo Cantu See Attached Exhibit 'A'			
1.	Please state your full	name.			
	Answer:				
2.	Please state by whom	you are employed and the business address.			
	Answer:				
3.	What is the title of yo	ur position or job?			
	Answer:				
4.	Are the documents de	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?			
	Answer:				
5.	Are you able to identi	Are you able to identify these documents as originals, or as true copies thereof?			
	Answer:				
6.	Please provide all of you complied? If not,	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.			
	Answer:				
7.	Are the documents will documents, or the original	hich you have provided to the Notary Public authenticating this deposition true and correct copies of all such ginals thereof?			
	Answer:				
8.	Were such documents kept in the regular course of business of this facility?				
	Answer:				
9.	Was it in the regula conditions, opinion, o	Was it in the regular course of business of <b>Stephen L. Cervantes</b> , <b>LPC</b> for a person with knowledge of the acts, events conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?			
	Answer:				
10.	Were the entries on th	nese documents made at the time of the transaction recorded, or shortly thereafter?			
	Answer:				

6507.002 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 64 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 65 of 90

11. Please fill in the following blanks with the requested information concerning services rendered to Rodrigo Cantu for the period of 01/01/2014 to present: A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED: B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE: C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID: D. TOTAL AMOUNT PAID BY Rodrigo Cantu OR THEIR REPRESENTATIVES: Answer: E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF: Answer: F. TOTAL AMOUNT STILL OWED, AND BY WHOM: WITNESS (Custodian of Records) Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records. SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. NOTARY PUBLIC My commission expires: From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 65 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 66 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Rodrigo Cantu; DOB: 08/27/1972.

6507 EXHIBIT B

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 66 of 89 06/28/2022 9:34 PM To:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 67 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRIC	I OF TEXAS	
MELODY JOY CANTU A DR. RODRIGO CANTU	ND )		
V.	,	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA A DIGITAL FORENSICS CO	304 11.0 2015 mengapat mengapangkangkan pagu-pag-pag-pag-		
SI	UBPOENA TO TESTIFY AT A DEPO	OSITION IN A CI	IVIL ACTION
То:	Dr. Elizabeth Joann 1202 W Bitter San Antonio, (Name of person to whom to	rs Rd, Ste 3	
2			
deposition to be taken in or managing agents, or d those set forth in an attac	U ARE COMMANDED to appear at the this civil action. If you are an organizal designate other persons who consent to the chiment:  Institute the propounded to the Witness and/or Expressions and the Witness an	tion, you must desi estify on your beha	gnate one or more officers, directors,
Place: Office of the custo	dian of records: Dr. Elizabeth Joann	Date and Time:	
Murphey, PHD, 17 78216	202 W Bitters Rd, Ste 3, San Antonio, TX		07/13/2022 10:00 AM
The deposition v	will be recorded by this method: Written	n Questions	
	u, or your representatives, must also bring ored information, or objects, and must pe ached Exhibit 'A'		
Rule 45(d), relating to ye	rovisions of Fed. R. Civ. P. 45 are attach our protection as a person subject to a su and the potential consequences of not d	ibpoena; and Rule	
Date: 06/28/2022			
	CLERK OF COURT	OB	
		OR	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-ma Dr. Sandra Guerra	ail address, and telephone number of the		ing (name of party)  Defendant(s) ues or requests this subpoena, are:
Ricardo G. Cedillo, DAVIS,	CEDILLO & MENDOZA, INC., 755 E. Mu		라

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 67 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 68 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

1 (date)	*					
☐ I served the s	☐ I served the subpoena by delivering a copy to the named individual as follows:					
		on (date)	; or			
☐ I returned the	subpoena unexecuted because:					
tendered to the w	oena was issued on behalf of the United witness the fees for one day's attendance		1677. 15			
\$	•					
y fees are \$	for travel and \$	for services, fe	or a total of \$	0		
SACTION SECTION SERVICES SECTION SECTI	penalty of perjury that this information	is true.				
te:		Server's signa	ture			
		Printed name ar	nd title			

Additional information regarding attempted service, etc.:

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 69 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
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#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

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- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court-may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 69 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 70 of 90

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

## DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Cus Rec Rec	stodian of records for:  Dr. Elizabeth Joann Murphey, PHD  Rodrigo Cantu  See Attached Exhibit 'A'					
1.	Please state your full name, official title and business address.					
	Answer:					
2.	Please state whether Dr. Elizabeth Joann Murphey, PHD has provided healthcare services and/or treatment to Rodrigo Cantu.					
	Answer:					
3.	Please state whether <b>Dr. Elizabeth Joann Murphey</b> , <b>PHD</b> has ever made or caused to be made any notes, records and/or reports pertaining to <b>Rodrigo Cantu</b> .					
	Answer:					
4.	Are documents such as those described above under your supervision, direction, custody and/or control?					
	Answer:					
5.	Have you received a subpoena for the production of the above described documents?					
	Answer:					
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?					
	Answer:					
7.	Were these documents made (or caused to be made) during the regular course of business activity?					
	Answer:					
8. Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make records, or to transmit the information to be included in such records?						
	Answer:					
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?					
	Answer:					
10.	Were the records kept and maintained in a trustworthy manner?					
	Answer:					
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.					
	Answer:					

6507.003

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 70 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 71 of 90

12. Are the documents you have provided in response to the si	ubpoena the originals, or true and corre	ect copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day persknown to me to be the person whose name is subscribed to the sworn, stated upon his/her oath that the answers to the foregoin attached hereto are exact duplicates of the original records.	foregoing instrument in the capacity th	erein stated, who being first duly her certify that the records
SWORN TO AND SUBSCRIBED before me this	day of	, 20
	No. 20 No	
	NOTARY PUBLIC	
	My Commission Expires:	

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 71 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 72 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. RODRIGO CANTO

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Rodrigo Cantu; DOB: 08/27/1972.

6507 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 72 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 73 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF TEXAS

MELODY JOY CANTU AND	)
DR. RODRIGO CANTU	)
V.	) Civil Action No. 5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC	) )
SUBPOENA TO TESTIFY A	AT A DEPOSITION IN A CIVIL ACTION
10:	izabeth Joann Murphey, PHD 202 W Bitters Rd, Ste 3
(Name of pers	San Antonio, TX 78216 son to whom this subpoena is directed)
or managing agents, or designate other persons who c those set forth in an attachment: See Attached Direct Questions to be Propounded to the Witr	consent to testify on your behalf about the following matters, or ness and/or Exhibit 'A'
Place: Office of the custodian of records: Dr. Elizabeth Jo Murphey, PHD, 1202 W Bitters Rd, Ste 3, San An 78216	
The deposition will be recorded by this method	od: Written Questions
	and must permit inspection, copying, testing, or sampling of the
~ .	45 are attached – Rule 45(c), relating to the place of compliance; bject to a subpoena; and Rule 45(e) and (g), relating to your duty to uces of not doing so.
Date: 06/28/2022	
CLERK OF COURT	
	OR /s/ Ricardo G. Cedillo
Signature of Clerk or Dep	
The name, address, e-mail address, and telephone nur Dr. Sandra Guerra	mber of the attorney representing (name of party)  Defendant(s) , who issues or requests this subpoena, are:
Ricardo G. Cedillo, DAVIS, CEDILLO & MENDOZA, INC 22-6666	C., 755 E. Mulberry Ave., Ste. 250, San Antonio, TX 78212-3135 (210)

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 73 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 74 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

1 (date)	*			
☐ I served the s	ubpoena by delivering a copy to the nar	med individual as follow	vs:	
		on (date)	; or	
☐ I returned the	subpoena unexecuted because:			
tendered to the w	oena was issued on behalf of the United witness the fees for one day's attendance		1677. 15	
\$	•			
y fees are \$	for travel and \$	for services, fe	or a total of \$	0
SACTION SECTION SERVICES SECTION SECTI	penalty of perjury that this information i	is true.		
te:		Server's signa	ture	
		Printed name ar	nd title	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 75 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 76 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

	stodian of records for: cords pertain to: cords requested:  Dr. Elizabeth Joann Murphey, PHD Rodrigo Cantu See Attached Exhibit 'A'
1.	Please state your full name.
	Answer:
2.	Please state by whom you are employed and the business address.
	Answer:
3.	What is the title of your position or job?
	Answer:
4.	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?
	Answer:
5.	Are you able to identify these documents as originals, or as true copies thereof?
	Answer:
6.	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.
	Answer:
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?
	Answer:
8.	Were such documents kept in the regular course of business of this facility?
	Answer:
9.	Was it in the regular course of business of <b>Dr. Elizabeth Joann Murphey</b> , <b>PHD</b> for a person with knowledge of the acts, events conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?
	Answer:
10.	Were the entries on these documents made at the time of the transaction recorded, or shortly thereafter?
	Answer:

6507.004 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 76 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 77 of 90

11.	Please fill in the following blanks with the requested information concerning services rendered to Rodrigo Cantu for the period of 01/01/2014 to present:				
	A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED:				
	Answer:				
	B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE:				
	Answer:				
	C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID:				
	Answer:				
	D. TOTAL AMOUNT PAID BY Rodrigo Cantu OR THEIR REPRESENTATIVES:				
	Answer:				
	E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF:				
	Answer:				
	F. TOTAL AMOUNT STILL OWED, AND BY WHOM:				
	Answer:				
	WITNESS (Custodian of Records)				
SWO	Before me, the undersigned authority, on this day personally appeared we note to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly rn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records ched hereto are exact duplicates of the original records.				
	SWORN TO AND SUBSCRIBED before me thisday of, 20				
	NOTARY PUBLIC				
	My commission expires:				

6507.004 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 77 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 78 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Rodrigo Cantu; DOB: 08/27/1972.

6507 EXHIBIT B

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 78 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 79 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU A DR. RODRIGO CANTU	ND )		
V.	)	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA A DIGITAL FORENSICS CO	NATANAN Saraga para managa aga karaga - managa -		
SU	UBPOENA TO TESTIFY AT A DEPO	SITION IN A CIV	IL ACTION
То:	Dina Trevir 7272 Wurzbacl		
72.53.53			
	San Antonio, (Name of person to whom th	is subpoena is directed)	
deposition to be taken in or managing agents, or d those set forth in an attac	U ARE COMMANDED to appear at the this civil action. If you are an organizat esignate other persons who consent to techment:  Instead of the Witness and/or Expression of the Witness and Witness an	ion, you must desig stify on your behalf	nate one or more officers, directors,
Place: Office of the custo	dian of records: Dina Trevino, PhD, 7272	Date and Time:	
	04, San Antonio, TX 78240		7/13/2022 10:00 AM
The deposition v	vill be recorded by this method: Written	Questions	
Production: Yo electronically sto material: See Att	u, or your representatives, must also brin ored information, or objects, and must pe ached Exhibit 'A'	g with you to the dermit inspection, cop	eposition the following documents, bying, testing, or sampling of the
Rule 45(d), relating to yo	rovisions of Fed. R. Civ. P. 45 are attached pur protection as a person subject to a sultand the potential consequences of not de	bpoena; and Rule 4:	
Date: 06/28/2022	OLERA OF GOLLET		
	CLERK OF COURT	OR	
		OK	/s/ Ricardo G. Cedillo
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-ma	il address, and telephone number of the	* **	
	CEDILLO & MENDOZA, INC., 755 E. Mul		es or requests this subpoena, are:
822-6666	CEDIELO & MENDOZA, INC., 733 E. Mui	10011y Ave., 316. 230,	San Antonio, 1A 70212-3133 (210)

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 79 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 80 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	ppoena for (name of individual and title, if a		
☐ I served the su	bpoena by delivering a copy to the nar	med individual as follows:	
		on (date) ; or	
☐ I returned the s	subpoena unexecuted because:		
		States, or one of its officers or agents, I le, and the mileage allowed by law, in the	
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under pe	nalty of perjury that this information i	s true.	
		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

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- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
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  - (ii) ensures that the subpoenaed person will be reasonably compensated.

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- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 81 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 82 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

§ CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	stodian of records for: cords pertain to: cords requested:  Dina Trevino, PhD Rodrigo Cantu See Attached Exhibit 'A'			
1.	Please state your full name, official title and business address.			
	Answer:			
2.	Please state whether Dina Trevino, PhD has provided healthcare services and/or treatment to Rodrigo Cantu.			
	Answer:			
3.	Please state whether <b>Dina Trevino</b> , <b>PhD</b> has ever made or caused to be made any notes, records and/or reports pertaining to <b>Rodrigo Cantu</b> .			
	Answer:			
4.	Are documents such as those described above under your supervision, direction, custody and/or control?			
	Answer:			
5.	Have you received a subpoena for the production of the above described documents?			
	Answer:			
6.	Were the entries on these notes, records and/or reports made at the time or shortly after the time of the transactions recorded by these entries?			
	Answer:			
7.	Were these documents made (or caused to be made) during the regular course of business activity?			
	Answer:			
8.	Was it the regular course of business for a person having knowledge of the acts, events, or conditions recorded to make such records, or to transmit the information to be included in such records?			
	Answer:			
9.	Does the source of information or the method of preparing the record indicate the records are of a trustworthy nature?			
	Answer:			
10.	Were the records kept and maintained in a trustworthy manner?			
	Answer:			
11.	Please provide all documents as requested on the attached subpoena to the Notary Public for attachment to this deposition. Have you done as requested? If not, please give the reason for any such omissions or for any refusal to comply.			
	Answer:			

6507.005

ral Fax: 18772558158 To: Fax: (972) 315-1955 Page: 82 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 83 of 90 From: Blend Record Retrieval Fax: 18772558158

12. Are the documents you have provided in response to the	subpoena the originals, or true and correc	a copies thereof?
Answer:		
	WITNESS (Custodian of Records)	
Before me, the undersigned authority, on this day pe known to me to be the person whose name is subscribed to th sworn, stated upon his/her oath that the answers to the forego attached hereto are exact duplicates of the original records.	e foregoing instrument in the capacity the	rein stated, who being first duly er certify that the records
SWORN TO AND SUBSCRIBED before me this _	day of	, 20
	NOTARY PUBLIC	
	My Commission Expires:	

6507.005 **EXHIBIT B**  From: Blend Record Retrieval Fax: 18772558158 Fax: (972) 315-1955 Page: 83 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 84 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL MEDICAL RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: patient information sheets, intake and/or history forms, admission records, hospital records, mental health records, rehabilitation records, functional capacity evaluations, impairment and rating records, counseling records, psychotherapy records, prescription & pharmacy records, worker's compensation documents, worker's compensation work status reports, insurance policy and claim documents, physical therapy records, diagnostic studies, clinical abstracts, histories, charts, admission sheets, system history or system review, summary sheet, medical service sheets, nurses' notes, discharge notes, chronological summary, consultant reports, raw data, evaluation protocols, surgical notes, operative reports, letters of protection and all other attorney correspondence, photographs, office notes, transcripts, reports and correspondence; any records not located in the medical record library (such as emergency room records), and any correspondence, including any handwritten or typed notes to or from any medical professional, attorney, or any other person; and any other documents and tangible things relevant to past, present and future physical condition, treatment, care or hospitalization, whether originally created by your facility or received from another, whether stored in hard-copy or electronic format (IF RECORDS ARE MAINTAINED ELECTRONICALLY, PLEASE PRODUCE ON CD) pertaining to: Rodrigo Cantu; DOB: 08/27/1972.

6507 **EXHIBIT B** 

Fax: (972) 315-1955 From: Blend Record Retrieval Fax: 18772558158 Page: 84 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 85 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

# UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT	OF TEXAS	
MELODY JOY CANTU AND DR. RODRIGO CANTU ) V. )	Civil Action No.	5:20-CV-0746-JKP-HJB
DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC		
SUBPOENA TO TESTIFY AT A DEPO	SITION IN A CI	VIL ACTION
To: Dina Trevir 7272 Wurzback San Antonio, (Name of person to whom th	n Rd #1504	0
deposition to be taken in this civil action. If you are an organization managing agents, or designate other persons who consent to tenthose set forth in an attachment:  See Attached Direct Questions to be Propounded to the Witness and/or Expressions.	ion, you must designstify on your behal	gnate one or more officers, directors,
Place: Office of the custodian of records: Dina Trevino, PhD, 7272 Wurzbach Rd #1504, San Antonio, TX 78240	Date and Time:	07/13/2022 10:00 AM
The deposition will be recorded by this method: Written	Questions	
Production: You, or your representatives, must also brin electronically stored information, or objects, and must permaterial: See Attached Exhibit 'A'		
The following provisions of Fed. R. Civ. P. 45 are attached Rule 45(d), relating to your protection as a person subject to a subgrespond to this subpoena and the potential consequences of not do	ppoena; and Rule 4	
Date: 06/28/2022 CLERK OF COURT		
	OR	/s/ Ricardo G. Cedillo
Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address, e-mail address, and telephone number of the a	7 (7)	ng (name of party)  Defendant(s) es or requests this subpoena, are:
Ricardo G. Cedillo, DAVIS, CEDILLO & MENDOZA, INC., 755 E. Mul 822-6666	berry Ave., Ste. 250	, San Antonio, TX 78212-3135 (210)

# Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 85 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 86 of 90

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 5:20-CV-0746-JKP-HJB

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)	opoena for (name of individual and title, if ar	<u></u>	
☐ I served the su	bpoena by delivering a copy to the nar	ned individual as follows:	
		on (date) ; or	
☐ I returned the s	subpoena unexecuted because:		
27		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$			
fees are \$	for travel and \$	for services, for a total of \$	0
I declare under pe	enalty of perjury that this information i	s true.	
te:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

# Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

 (i) disclosing a trade secret or other confidential research, development, or commercial information; or

06/28/2022 9:34 PM

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

# (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 87 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 88 of 90

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

\$ \$ CIVIL ACTION NO. **5**;**20**-CV-**0746-JKP-HJB** \$

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

# DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Rec	todian of records for: Dina Trevino, PhD tords pertain to: Rodrigo Cantu tords requested: See Attached Exhibit 'A'
1.	Please state your full name.
	Answer:
2.	Please state by whom you are employed and the business address.
	Answer:
3.	What is the title of your position or job?
	Answer:
4.	Are the documents described in the attached subpoena in your custody, or subject to your control, supervision or direction?
	Answer:
5.	Are you able to identify these documents as originals, or as true copies thereof?
	Answer:
6.	Please provide all of the documents requested by the attached subpoena to the Notary Public authenticating this deposition. Have you complied? If not, please give the reasons for any omissions.
	Answer:
7.	Are the documents which you have provided to the Notary Public authenticating this deposition true and correct copies of all such documents, or the originals thereof?
	Answer:
8.	Were such documents kept in the regular course of business of this facility?
	Answer:
9.	Was it in the regular course of business of <b>Dina Trevino</b> , <b>PhD</b> for a person with knowledge of the acts, events, conditions, opinion, or diagnoses, recorded to make the record, or to transmit information thereof to be included in such record?
	Answer:
10.	Were the entries on these documents made at the time of the transaction recorded, or shortly thereafter?
	Answer:

6507.006 **EXHIBIT B** 

From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 88 of 89 06/28/2022 9:34 PM Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 89 of 90

11. Please fill in the following blanks with the requested information concerning services rendered to Rodrigo Cantu for the period of 01/01/2014 to present: A. TOTAL AMOUNT FOR ALL SERVICES OR PRODUCTS BILLED: B. TOTAL AMOUNT PAID BY PRIVATE INSURANCE: C. TOTAL AMOUNT PAID BY MEDICARE AND/OR MEDICAID: D. TOTAL AMOUNT PAID BY Rodrigo Cantu OR THEIR REPRESENTATIVES: Answer: E. TOTAL AMOUNT ADJUSTED, DISCOUNTED OR WRITTEN OFF: Answer: F. TOTAL AMOUNT STILL OWED, AND BY WHOM: WITNESS (Custodian of Records) Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records. SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. NOTARY PUBLIC My commission expires: From: Blend Record Retrieval Fax: 18772558158 To: Fax: (972) 315-1955 Page: 89 of 89 06/28/2022 9:34 PM

Case 5:20-cv-00746-JKP Document 93-2 Filed 07/20/22 Page 90 of 90

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MELODY JOY CANTU AND DR. RODRIGO CANTU

V.

DR. SANDRA GUERRA AND DIGITAL FORENSICS CORPORATION, LLC

CIVIL ACTION NO. 5:20-CV-0746-JKP-HJB

#### EXHIBIT 'A'

ALL BILLING RECORDS DATED FROM 01/01/2014 TO PRESENT, including but not limited to: a complete itemized documentation of all billing to and from any parties; documentation of all charges, payments, adjustments, discounts, write-offs, refunds, and balances, not limited to a current balance statement; documentation of any sale of debt; itemized invoices, receipts and statements as originally submitted to any party; CPT and/or ICD-9 and/or ICD-10 codes for any treatment; all future cost reports, estimates, price quotes, and life care plans; contact logs and all correspondence to and from the patient, their attorney, insurance, and any other parties; contracts, agreements, liens, letters of protection, assignment of benefits or proceeds, and any other financial agreements; notes, files, memoranda, records and all other tangible things pertaining to the patient or any other involved party, whether stored electronically or on paper regarding Rodrigo Cantu; DOB: 08/27/1972.

6507 EXHIBIT B